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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,191	10/27/2003	Gary E. Oberlin	DP-310312	3876

7590 12/12/2005

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EXAMINER
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VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4/18

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/694,191	OBERLIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anatoly Vortman	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,7-12,17-20,24-33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,7-12,17-20,24-32 and 36 is/are allowed.
- 6) ☒ Claim(s) 33,35,37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The submission of the amendment filed on 10/31/05 is acknowledged. The Office action follows:

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 38 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim recites: “first portion of said heat pipe” and “second portion of said heat pipe”.

These limitations lack proper antecedent basis. Evidently the first and second segments (of the heat pipe) should be used instead.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 33, 35, 37, 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/6,212,074 to Gonsalves et al., (Gonsalves) (of record).

Regarding claim 37, Gonsalves disclosed all as recited in the claim (Fig. 2) including: a substrate (50); an electronic assembly, comprising: an electronic device (10-1 through 10-7) having a first, second and third surface, said electronic device supported by said substrate (50), a heat pipe (70) having a first (lower) and second (upper) segment, said first segment thermally coupled with said first surface of said electronic device, and a thermal transient suppression material (100) thermally coupled with said first segment of said heat pipe (70) and at least said second surface of said electronic device, said material having a component capable of absorbing thermal energy by phase change from a solid to a liquid and said material being self contained (column 5, lines 7-16), wherein said first segment of said heat pipe (70) is formed to conform to the shape of said first surface of said electronic device, and wherein said first segment of said heat pipe (70) includes an external flattened portion in contact with said first surface of said electronic device (Fig. 2 clearly shows that bottom segment of the heat pipe (70) is flattened).

Regarding claim 38, Gonsalves disclosed (Fig. 2) a substrate (50); an electronic device (10-1 through 10-7) having an external surface, said electronic device supported by said substrate (50), a heat pipe (70) having a first (lower) and second segment (upper), said first segment thermally coupled with said first surface of said electronic device, a heat dissipation device (30) thermally coupled with said second portion of said heat pipe (70); and an elastomeric spring (40) (column 4, lines 44-50; column 6, lines 16-29) compressed between said heat dissipation device (30) and said first segment of said heat pipe and said electronic device, thereby maintaining said first portion of said heat pipe (70) in thermal contact with said surface of said electronic device.

Regarding claims 33 and 35, the method steps recited in the claims are inherently necessitated by the device structure as taught by Gonsalves.

***Allowable Subject Matter***

6. Claims 1, 7-12, 17-20, 24-32, and 36 are allowed. Reasons for allowance of the underlining dependent claims have been presented in previous Office action.

***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman  
Primary Examiner  
Art Unit 2835

AV

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal line extending to the right towards the printed name.